



MEMO ENDORSED

September 14, 2016

Hon. William H. Pauley III
United States District Court
Southern District of New York
500 Pearl St.
New York, NY 10007

VIA ECF AND US MAIL

Re: Mena v. Brabble, Inc. et al, Case No. 1:16-cv-04075
Request to Convert Initial Pretrial Conference into Pre-motion conference

Your Honor:

We represent the Plaintiff in the above-referenced matter. This case is currently set for an initial pretrial conference on September 23, 2016 at 10:30 AM. Plaintiff writes now to request that the Court convert the initial pretrial conference to a pre-motion conference regarding Plaintiff's forthcoming motion for default.

As the public docket reveals, Plaintiff commenced this action on June 1, 2016. Dkt. 1. Plaintiff served all Defendants on June 14, 2016. Dkt. 18-22. The time for Defendants to respond or otherwise move with regard to the Complaint expired on July 5, 2016. Defendants have not moved or otherwise responded to the Complaint.

Pursuant to Your Honor's individual rule VII, Plaintiff provides the below information as a guidepost for the pre-motion conference and will fully comply with Your Honor's rules regarding the contents of the default motion (providing relevant affidavits, supporting documentation, if any, and basis for attorneys' fees) upon being granted permission to file said motion.

1. This is a Fair Labor Standards Act (FLSA) and New York Labor Law (NYLL) case premised on Defendants minimum wage and overtime violations due to their failure to compensate Plaintiff with any wages for at least four months of her employment and to pay Plaintiff overtime for hours worked over 40 in any given workweek. Defendants have also violated various statutory provision of the NYLL.

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2. The Court has subject matter jurisdiction pursuant to 28 U.S.C. § 1331 by virtue of federal questions, 29 U.S.C. § 201 et seq. of the FLSA.
3. The Court has personal jurisdiction over each Defendant by way of service within the state. Affidavits of service have been filed with the Court and are available on the public docket. Dkt. 18-22.
4. No Defendant within is an infant or incompetent.
5. Plaintiff has filed a request for a Clerk's Certificate of Default. Dkt. 26. The request is currently pending.

Based on the above, Plaintiff respectfully requests that Your Honor convert the initial pre-trial conference into a pre-motion conference related to Plaintiff's anticipated motion.

We thank the Court for its consideration of this request.

Sincerely,



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Alexander L. Gastman
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Application granted. The pre-motion conference will be held in conjunction with the initial pretrial conference. To the extent that Defendants wish to file a response, they may do so by September 22, 2016.

SO ORDERED:



WILLIAM H. PAULEY III
U.S.D.J.

9-20-16

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